REMARKS

Applicants acknowledge the withdrawal of the 35 U.S.C. rejections

based on the U.S. Patent Publication No. 20020046148 (Alaia) in view of U.S.

Patent No. 6.671,715 (Langseth).

Claims 1-17 stand rejected under new references. Reconsideration of

this Application is respectfully requested in view of the arguments presented

below. Applicants assert that Claims 1-17 are patentable over the newly

cited art of record.

35 U.S.C. Section 103 Rejections

The above referenced Office Action rejects independent Claims 1 and

10 as being rendered obvious under 35 U.S.C. Section 103 by U.S. Patent

Publication No. 20020046148 (hereafter Alaia) in view of U.S. Patent No.

6.671,715 (hereafter Langseth) and U.S. 6,871,214 (hereafter Parsons).

Applicants respectfully traverse.

The claimed embodiments recite an auction method having automatic

bid status refresh and item attribute updates, as implemented in an

electronic exchange. The claimed embodiments recite the step of <u>receiving</u>

<u>update configuration information from remote bidders</u> via a distributed

computer network. The claimed embodiments further recite that this update

configuration information includes a time interval for receiving bid status updates. The bid status includes information regarding the most competitive, or winning, bid and any associated terms. The claimed embodiments recite the bid status updates are <u>disseminated to the remote bidders in accordance with the update configuration information</u>. Additionally, the time interval of the update configuration information is user selected and can be adjusted dynamically during the auction. Remote bidders receive bid status updates in accordance with their specified time interval. Changes to the items and/or item attributes of the auction are also disseminated to the remote bidders via the distributed computer network in <u>accordance with the time interval of the update configuration information</u>. These aspects are explicitly recited in the independent Claims 1 and 10.

Applicants assert that <u>Alaia does not show or suggest update configuration information</u> as in the claimed invention. In contrast, the cited sections of Alaia (e.g., Alaia paragraphs 0026, 0027, and 0030) do not describe any user selectable update configuration information. The above referenced Office Action concedes that Alaia does not show or suggest the use of any time interval for receiving updates that is user selected and that can be adjusted dynamically during the auction as explicitly recited in the independent claims.

With respect to Langseth, Applicants assert that Langseth does not show the use of any time interval for receiving updates that is user selected and that can be adjusted dynamically during the auction. Applicants understande Langseth to disclose a system for distributing e-mail and other content from a hub-and-spoke style source architecture delivery system for a personal intelligence network (e.g., Langseth Abstract). The system of Langseth appears to be specifically directed towards a web based system of output servers that transmit messages of topical interest to groups of subscribers via spreadsheet programs data, pager, telephone, mobile phone, fax, personal digital assistants, HTML e-mail, WAP and other formats (e.g., Langseth Abstract). Applicants assert that this is completely different than user selectable bid status updating during an auction as in the claimed invention.

Additionally, a cited section of Langseth (e.g., Langseth col. 5 lines 35-40) recites " a finance channel may be provided that has information about Investments" and "separate channel database may be established that contains information for the Finance channel." Applicants assert that Langseth discloses a one way update process that does not function in a manner similar to a dynamic two way auction with the user being a participant in the auction process. The "channels" of Langseth are one way, from the server to the user. Langseth further describes the updates of the

channels being typically, when the service is set up, the update rate may be hourly (e.g., Langseth col. 5 lines 40-45). Applicants point out that this is completely different from the updates required to participate in a real time auction as in the claimed invention.

The Parsons reference is relied upon to show update configuration information as in the claimed invention. The Parsons reference is relied upon to show the inclusion of a time interval for receiving update but he selected and that can be adjusted dynamically during the auction. Applicants respectfully traverse this assertion.

Applicants have examined the cited section of Parsons (e.g., col. 6 line 18 to col. 8 line 2) and do not understand the cited section to show dynamically adjustable user update configuration information that enables the inclusion of a time interval for receiving update but he selected and that can be adjusted dynamically during the auction. The cited section of Parsons describes applications (e.g., financial web sites providing stock quotes, sports scores, various types of delivery filters, etc.) which are not analogous to an auction, where, for example each arriving bid can dynamically change the relationship between the competing participants of the auction.

Accordingly, Applicants respectfully assert that the present invention as recited in Claims 1-17 is not rendered obvious by the Alaia reference, alone or in combination with Langseth and Parsons within the meaning of 35 U.S.C. Section 103.

CONCLUSION

All Claims (1-17) of the present application are now in condition for allowance. The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application. Please charge any additional fees or apply any credits to our PTO deposit account number: 50-4160.

Respectfully submitted,
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Dated: __10/17__, 2007

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